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805 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER

KISS, ERIC B

ART UNIT PAPER NUMBER

2122

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/583,672

Applicant(s)

HODGE, BRUCE

Examiner

Eric B. Kiss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 5/31/00
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-18 have been examined.

#### ***Drawings***

2. New corrected drawings are required in this application because Figure 1 is not in permanent ink. India ink, or its equivalent that secures solid black lines, must be used for drawings. See 37 CFR 1.84(a)(1). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:

“prepare9)” on page 29, line 32 should presumably read --prepare()--.

The specification contains references to Figures that do not exist by referring to “Figure ?”. See, for example, page 28, line 29.

Appropriate correction is required.

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4. The use of the trademarks JAVA, VISUAL BASIC, DYNASCRIPT, and JAVASCRIPT have been noted in this application. See, for example, page 3, line 11. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

5. Claims 1 and 3-10 are objected to because of the following informalities:

As per claim 1, "join" in line 5 should apparently read --joint--.

As per claims 3-10, in the second line of each claim, the word "includes" should be followed by an article "a" or "an" as appropriate.

Appropriate correction is required.

6. Applicant is advised that should claim 12 be found allowable, claim 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

- 7: The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 4-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 4-10, the parenthetical expressions contained in each claim do not appear necessary, i.e. they appear to contain extraneous exemplary information relating to possible object type names or abbreviations. The parenthetical expressions render the claims indefinite because it is unclear whether the limitations within parentheses are part of the claimed invention. See MPEP § 2173.05(d). In the interest of compact prosecution, these parenthetical expressions are subsequently ignored for the purpose of further examination.

***Claim Rejections - 35 USC § 101***

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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10. Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-15, merely claimed as a computer program representing a computer listing *per se* (an object type-declaration syntax), that is, descriptions or expressions of such a program and that is, descriptive material *per se*, non-functional descriptive material, and is not statutory because it is not a physical “thing” nor a statutory process, as there are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program’s functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer-readable medium needed to realize the computer program’s functionality. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program’s functionality to be realized, and is this statutory. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106(IV)(B)(1)(a).

### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 2, 11-14 and 16-18, are rejected under 35 U.S.C. 102(b) as being anticipated by Charles Simonyi, "Program Identifier Naming Conventions," 1997 (hereinafter Simonyi).

As per claim 1, Simonyi discloses an object type-declaration syntax comprising: an object identifier (quantity); an object type indicator (type) indicating a type of an object identified by the object identifier; and a joint attribute associating the object identifier with the object type indicator (punctuation; see page 3, lines 22-25).

As per claim 2, Simonyi further discloses the object type indicator embedded as part of the object identifier (see, for example, the last sentence on page 6, continuing onto page 7).

As per claim 11, Simonyi further discloses the joint attribute concatenated to the object type indicator (see page 3, lines 22-25).

As per claim 12, Simonyi further discloses the object identifier concatenated to the joint attribute (see page 3, lines 22-25).

As per claim 13, Simonyi further discloses the joint attribute concatenated to the object identifier (see page 3, lines 22-25).

As per claim 14, Simonyi further discloses the object type indicator concatenated to the joint attribute (see page 3, lines 22-25).

As per claim 16, Simonyi discloses a method of declaring an object type in a programming language, comprising: embedding an object type indicator with an object identifier name (see, for example, the last sentence on page 6, continuing onto page 7).

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As per claim 17, Simonyi discloses a method of declaring an object type in a programming language, comprising prepending an object type indicator (qualifier) with an identifier name (see page 3, line 22 through page 4, line 7).

As per claim 18, Simonyi further discloses joining the object type indicator with the object identifier with a joint symbol (punctuation, e.g. a capital initial for the qualifier; see page 3, lines 22-25).

13. Claims 1, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by T. Berners-Lee et al., "Universal Resource Identifiers (URI): Generic Syntax," August 1998 (hereinafter Berners-Lee).

As per claims 1 and 7, Berners-Lee discloses an object type-declaration syntax comprising: an object identifier (Uniform Resource Identifier); an object type indicator, which includes a universal resource locator object type (scheme) indicating a type of an object identified by the object identifier; and a joint attribute (a double-slash "//") associating the object identifier with the object type indicator (see page 11, section 3 "URI Syntactic Components").

As per claim 9, Berners-Lee further discloses an object type-declaration syntax representing a hypertext markup language object comprising: an object identifier (for example, a web page address); an hypertext markup language object type indicator ("html" file extension); and a joint attribute associating the object identifier with the object type indicator (a dot "." between the object type indicator (file extension) and the rest of the address; see the third example listed in section 1.3 "Example URI" on page 4).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonyi as applied to claim 1 above, and further in view of J. J. Kuslich, "Writing Database Applications with Enterprise Server 3.0; Part II: Strategies & Techniques," March 1998 (hereinafter Kuslich).

As per claims 3-6, Simonyi discloses such an object type-declaration syntax, including an object type indicator (see above applied disclosure) and furthermore suggests that new object type indicators (tags) can be created as needed (see the last paragraph on page 4, continuing onto page 5, and the example beginning with the last paragraph on page 5 and continuing through the middle of page 7) but fails to expressly disclose the object type indicator including a database object type, a SQL database object type, a connection database object type, or a cursor database object type. However, Kuslich teaches an example of programming code that contains SQL database object types, including a connection object type ("Conn") and a cursor object type ("Cursor"), wherein these object types are associated with object identifiers ("loginConn" and "loginCursor"; see "Example 2" beginning at the bottom of page 4 and continuing on page 5, and in particular, see page 5, lines 2 and 14). Therefore, it would have been obvious to one having

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ordinary skill in the computer art at the time the invention was made to modify the object type-declaration syntax of Simonyi to include SQL database object types as per the teachings of Kuslich. One would be motivated to do so to promote readability of programming code which contains SQL database objects.

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berners-Lee as applied to claim 1 above.

As per claim 10, although Berners-Lee discloses such an object type-declaration syntax for a hypertext markup language object (see above applied disclosure) but fails to expressly disclose an object type-declaration syntax for an extensible markup language object. However, official notice is taken that it was well known at the time the invention was made to represent an extensible markup language object with an object type-declaration syntax comprising: an object identifier (for example, a web page address); an extensible markup language object type indicator ("xml" file extension); and a joint attribute associating the object identifier with the object type indicator (placing a dot "." between the object type indicator (file extension) and the rest of the address). Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to modify the syntax of Berners-Lee to include an object type-declaration syntax for an extensible markup language object. One would be motivated to do so because such a syntax has been known and used.

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17. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simonyi as applied to claim 1 above, and further in view of "Microsoft Visual Basic 5.0 Programmer's Guide," 1997 (hereinafter VB5).

As per claim 8, Simonyi discloses such an object type-declaration syntax, including an object type indicator (see above applied disclosure) and furthermore suggests that new object type indicators (tags) can be created as needed (see the last paragraph on page 4, continuing onto page 5, and the example beginning with the last paragraph on page 5 and continuing through the middle of page 7) but fails to expressly disclose the object type indicator including an environment object type. However, VB5 discloses such a syntax for an environment object type ("User"; see the second to last line on page 850) wherein the object type is associated with an object identifier (for example, "usrNew" of the same line). Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to modify the object type-declaration syntax of Simonyi to include an environment object type as per the teachings of VB5. One would be motivated to do so to promote readability of programming code that contains environment objects.

18. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simonyi as applied to claim 1 above, and further in view of Roger Jack, "Top Ten ASP Tips," Microsoft Interactive Developer, 1998 (hereinafter Jack).

As per claim 15, Simonyi discloses such an object type-declaration syntax, including an object identifier (see above applied disclosure) but fails to expressly disclose the object identifier including dynamically evaluated expressions. However, Jack suggests using such an object type-

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declaration syntax (a form of Hungarian notation; see the third paragraph under “Tip 1”) for VBScript (a scripting language with dynamically evaluated expressions). Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to modify the object type-declaration syntax of Simonyi to include dynamically evaluated expressions as per the teachings of Jack. One would be motivated to do so to promote readability of programming code in a scripting language environment.

***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**Or faxed to:**

(703) 746-7239 (for formal communications intended for entry)


**Or:**

(703) 746-7240 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

EBK  
November 14, 2002

  
**ANIL KHATRI  
PRIMARY EXAMINER**